

1 ANDRÉ BIROTTE JR.

United States Attorney

JS-6

2 ROBERT E. DUGDALE

Assistant United States Attorney

FILED: 10/31/13

3 Chief, Criminal Division

STEVEN R. WELK

4 Assistant United States Attorney

Chief, Asset Forfeiture Section

5 VICTOR A. RODGERS

6 California Bar No. 101281

Assistant United States Attorney

7 Asset Forfeiture Section

Federal Courthouse, 14<sup>th</sup> Floor

8 312 North Spring Street

Los Angeles, California 90012

9 Telephone: (213) 894-2569

Facsimile: (213) 894-7177

10 E-mail: Victor.Rodgers@usdoj.gov

11 Attorneys for Plaintiff

UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,

) No. CV 08-05260-GHK (SHx)

16 Plaintiff,

) [PROPOSED]

17 vs.

) CONSENT JUDGMENT OF FORFEITURE

18 \$475,000.00 IN BANK FUNDS,

19 Defendant.

20  
21 LAMONT BENNETT and JILL JOHNSON )  
22 BENNETT, )  
23 Claimants. )  
24

25 On or about August 11, 2008, Plaintiff United States of  
26 America ("the government," "the United States of America" or  
27 "plaintiff") filed a Complaint for Forfeiture alleging that the  
28 defendant \$475,000.00 in Bank Funds (the "defendant bank funds")

1 are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A)  
2 and (C) and 984 and 21 U.S.C. § 881(a)(6).

3 On or about November 24, 2008, claimants Lamont Bennett and  
4 Jill Johnson Bennett (collectively, "claimants") filed their  
5 respective claims to the defendant bank funds, and thereafter on  
6 or about January 12, 2009 filed their respective answers to the  
7 Complaint for Forfeiture. No other parties have appeared in  
8 this case and the time for filing claims and answers has  
9 expired.

10 The government and claimants are also parties in a related  
11 civil forfeiture action, entitled United States of America v.  
12 \$2,525,059.70 in U.S. Currency, et al., Case No. CV 08-03306-  
13 GHK(SHx) (the "related civil forfeiture litigation"), in which  
14 Lamont Bennett, Jill Johnson Bennett and Light Up Life  
15 Entertainment, Inc. have filed claims to various defendants and  
16 answered the complaint.

17 The government and claimants have now agreed to a global  
18 settlement of this action and the related civil forfeiture  
19 litigation, and to avoid further litigation by entering into  
20 this Consent Judgment of Forfeiture.

21 The Court, having been duly advised of and having  
22 considered the matter, and based upon the mutual consent of the  
23 parties hereto,

24 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

25 1. This Court has jurisdiction over the subject matter of  
26 this action and the parties to this Consent Judgment of  
27 Forfeiture.

28 //

1           2.     The Complaint for Forfeiture states a claim for relief  
2 pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C) and 984 and 21  
3 U.S.C. § 881(a)(6).

4           3.     Notice of this action has been given as required by  
5 law. No appearances have been made in the litigation by any  
6 person other than claimants. The Court deems that all other  
7 potential claimants admit the allegations of the Complaint for  
8 Forfeiture to be true.

9           4.     The defendant bank funds, plus all interest earned by  
10 the United States of America on the defendant bank funds  
11 (collectively, the "Non-Forfeited Bank Funds") shall be returned  
12 to claimants Lamont Bennett and Jill Johnson Bennett.

13           5.     The funds to be returned to claimants Lamont Bennett  
14 and Jill Johnson Bennett pursuant to paragraph 4 above shall be  
15 paid to them by electronic transfer directly into the client  
16 trust account of Paul Gabbert, Esq., attorney of record for  
17 claimants in this case. Claimants Lamont Bennett and Jill  
18 Johnson Bennett (through their attorney of record Paul Gabbert,  
19 Esq.) shall provide all information and complete all documents  
20 requested by the United States of America in order for the  
21 United States of America to complete the transfer including,  
22 without limitation, providing claimants' attorney of record's  
23 taxpayer identification number, and the identity of the bank,  
24 the bank's address and the account name, account number, account  
25 type and wire transfer routing number for the Paul Gabbert  
26 client trust account to which the transfer of funds is to be  
27 made.

28     //

1           6.   Notwithstanding anything to the contrary in this  
2 Consent Judgment of Forfeiture (including, without limitation,  
3 paragraphs 4 and 5 above pertaining to the return of the Non-  
4 Forfeited Bank Funds), nothing contained in this Consent  
5 Judgment of Forfeiture shall be deemed to restrict, waive, limit  
6 or otherwise prejudice in any way any rights of the United  
7 States of America (or any of its departments, agencies,  
8 representatives or designees) to seize, attach, levy on or by  
9 any other means take possession of any or all of the Non-  
10 Forfeited Bank Funds, in order to satisfy any tax (including  
11 income tax), fine, liability or other debt owed by any of the  
12 claimants, before those funds are returned to claimants Lamont  
13 Bennett and Jill Johnson Bennett by electronic transfer (as  
14 provided in paragraph 5 above). Should the United States of  
15 America (or any of its departments, agencies, representatives or  
16 designees) undertake such action as to any or all of the Non-  
17 Forfeited Bank Funds, the affected Non-Forfeited Bank Funds  
18 shall not be physically returned to claimants Lamont Bennett and  
19 Jill Johnson Bennett by electronic transfer (as provided in  
20 paragraph 5) or otherwise.

21           7.   Claimants, and each of them, on behalf of themselves  
22 and each of their respective agents, representatives, heirs,  
23 successors and assigns (if any) hereby release the United States  
24 of America, its agencies, agents, officers, employees and  
25 representatives, including, without limitation, all agents,  
26 officers, employees and representatives of the Drug Enforcement  
27 Administration, the Department of Justice and their respective  
28 agencies, as well as all agents, officers, employees and

1 representatives of any state or local governmental or law  
2 enforcement agency involved in the investigation or prosecution  
3 of this matter, from any and all claims, actions, or liabilities  
4 arising out of or related to this action, including, without  
5 limitation, any claim for attorney fees, costs, and interest,  
6 which may be asserted by or on behalf of claimants, or any of  
7 them, whether pursuant to 28 U.S.C. § 2465 or otherwise.

8 8. The Court finds that there was reasonable cause for  
9 the seizure of the defendant bank funds and institution of these  
10 proceedings. This judgment shall be construed as a certificate  
11 of reasonable cause pursuant to 28 U.S.C. § 2465.

12 9. The Court further finds that claimants did not  
13 substantially prevail in this action, and the parties hereto  
14 shall bear their own attorney fees and costs.

15 10. This Consent Judgment of Forfeiture is contingent upon  
16 the Court's entry of the consent judgment of forfeiture lodged  
17 contemporaneously herewith in the related civil forfeiture  
18 litigation.

19  
20 DATED: 10/31/13

21   
22 THE HONORABLE GEORGE H. KING  
23 CHIEF U. S. DISTRICT JUDGE  
24  
25  
26  
27  
28

CONSENT

The parties hereto consent to the above Consent Judgment of Forfeiture and waive any right of appeal.

DATED: \_\_\_\_\_, 2013      ANDRÉ BIROTTE JR.  
United States Attorney  
ROBERT E. DUGDALE  
Assistant United States  
Attorney Chief, Criminal Division  
STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section

\_\_\_\_\_  
VICTOR A. RODGERS  
Assistant United States Attorney  
  
Attorneys for Plaintiff  
UNITED STATES OF AMERICA

DATED: \_\_\_\_\_, 2013      PAUL L. GABBERT

\_\_\_\_\_  
Attorneys for Claimants  
LAMONT BENNETT and JILL JOHNSON  
BENNETT

DATED: \_\_\_\_\_, 2013      \_\_\_\_\_  
LAMONT BENNETT

DATED: \_\_\_\_\_, 2013      \_\_\_\_\_  
JILL JOHNSON BENNETT